

Message Text

SECRET

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TO SECSTATE WASHDC NIACT IMMEDIATE 4511
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S E C R E T SECTION 1 OF 2 TEL AVIV 9655

EXDIS (DIST AS NODIS)

FOR THE SECRETARY AND SAUNDERS FROM LEWIS

CAIRO FOR ATHERTON

E. O. 11652: XGDS-1
TAGS: OVIP (ATHERTON, ALFRED L) PEPR PBOR IS EG US
SUBJ: ATHERTON MEETING WITH DAYAN--LUNCHEON, JULY 28

REF.C JERUSALEM 2049 (U.S. DEL NO. 19)

1. ROY ATHERTON AND I HAD LUNCH WITH FOREIGN MINISTER DAYAN AND OUR THREE WIVES AT THE DAYAN RESIDENCE IN ZAHALA JULY 28. ALMOST THE WHOLE TWO HOURS WAS CONSUMED WITH FURTHER EXPLORATION OF SOME OF THE KEY ISSUES DISCUSSED WITH BEGIN AND THE LARGER GROUP THE AFTERNOON OF JULY 27. DAYAN MADE CLEAR AT THE OUTSET THAT WE SHOULD CONSIDER THIS A "OFF-THE-RECORD CONVERSATION." FOR THAT REASON, THIS SUMMARY OF THE DISCUSSION SHOULD BE TREATED WITH PARTICULAR DISCRETION BY U S OFFICIALS.

2. INITIALLY WE SPENT SOME TIME IN FURTHER EXPLORATION OF THE CONCEPT OF THE "END OF THE ISRAELI OCCUPATION," AS CONTRASTED WITH A CONTINUING ISRAELI SECURITY PRESENCE IN THE WEST BANK AND GAZA. ACKNOWLEDGING THAT THE WORD
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"OCCUPATION" RAISES LEGAL AND SEMANTIC DIFFICULTIES WITH BEGIN WHICH WILL BE DIFFICULT TO OVERCOME IN LIGHT OF THE FIRMLY HELD ISRAELI LEGAL INTERPRETATION THAT THERE IS NO "OCCUPATION" IN THE SENSE THE WORD IS USED IN THE GENEVA CONVENTION, DAYAN URGED THAT WE CONCENTRATE INITIALLY ON THE CONCRETE DETAILS, "NOT THE HEADLINE." HE SAID THAT IF WE COULD FIND A WAY TO DELINEATE CAREFULLY THE ELEMENTS

OF THE OCCUPATION AND THE WAY TO END THEM, IT WOULD THEN BE POSSIBLE TO RESOLVE THE WORDING "OF THE HEADLINE." DURING THIS DISCUSSION I THREW IN AS A PERSONAL IDEA THE FOLLOWING WORDING FOR WHAT COULD BECOME THE EVENTUAL "HEADLINE:" QUOTE UPON INSTALLATION OF THE DULY ELECTED LEGISLATIVE AUTHORITY ON THE WEST BANK AND GAZA, THE ADMINISTRATION OF THE MILITARY GOVERNMENT WILL BE ABOLISHED AND ISRAELI RULE OVER THOSE TERRITORIES WILL END. END QUOTE. DAYAN SHOWED SOME INTEREST IN THE LATTER PHRASEOLOGY ABOUT "ISRAELI RULE," ALTHOUGH WE DID NOT PURSUE IT FURTHER.

3. FOLLOWING HIS COMMENTS ON THE SAME SUBJECT IN THE MEETING WITH BEGIN THE PREVIOUS EVENING (REFTEL), DAYAN SAID HE THOUGHT THE KEY QUESTION WHICH WOULD HAVE TO BE FACED IN AGREEING ON THE "END OF OCCUPATION IDEA" WOULD CENTER IN HOW ISRAELIS COULD BE ASSURED THEY WOULD NOT BECOME FOREIGNERS IN THE WEST BANK AND GAZA. FROM THE DISCUSSION ON THIS POINT, DAYAN MADE CLEAR THAT THERE WERE THREE ELEMENTS INVOLVED: THE FIRST WAS THAT ISRAELIS AND ARABS ALIKE WOULD HAVE TO CONTINUE TO ENJOY FREE MOVEMENT BETWEEN ISRAEL AND THE WEST BANK/GAZA; ISRAELIS COULD NOT BE REQUIRED TO GET VISAS TO GO TO NABLUS. THE OTHER TWO ELEMENTS WERE THE NEED TO HAVE SOME ISRAELI RIGHT TO PURCHASE LAND, AT LEAST FROM PRIVATE LANDOWNERS, AND A CONTINUED RIGHT TO ESTABLISH SETTLEMENTS ON SUCH LANDS. HOWEVER, HE SUGGESTED THAT THESE REQUIREMENTS

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WOULD NOT NECESSARILY BE INCOMPATIBLE WITH ARAB SOVEREIGNTY. HE WENT ON TO DESCRIBE A CONVERSATION HE HAD HAD WITH ATTORNEY GENERAL BARAK AFTER ONE OF HIS BILATERAL MEETINGS WITH THE SECRETARY AT LEEDS. BARAK HAD SAID HE DID NOT WANT TO CONTRADICT DAYAN AT THE TIME, BUT IN HIS JUDGMENT DAYAN HAD BEEN INCORRECT IN THE WAY HE HAD ARGUED THE QUESTION OF SOVEREIGNTY WITH THE SECRETARY. BARAK HAD TOLD DAYAN THAT IN A CASE WHERE THERE ARE CLEAR INTERNATIONAL AGREEMENTS CONCLUDED, UNDER INTERNATIONAL LAW THESE AGREEMENTS WOULD INDEED TAKE PRECEDENCE OVER THE SOVERIGN RIGHT OF A GOVERNMENT TO ABROGATE THEM OR IGNORE THEM. (IN OTHER WORDS, BARAK APPARENTLY HAD AGREED WITH THE VIEW THE SECRETARY HAD EXPRESSED TO DAYAN AT THE TIME.)

4. DAYAN SAID HE WANTED TO STRESS THAT FOR SOME UNKNOWN REASON HE HAD FOUND BEGIN MUCH MORE FLEXIBLE ABOUT ALL THESE QUESTIONS IN THE PAST WEEK OR SO THAN AT ANY PREVIOUS POINT. HE SAID HE COULD NOT EXPLAIN THE REASON, BUT THOUGHT IT WAS IMPORTANT THAT WE NOTICED IT. AS AN EXAMPLE, HE CITED THE SWITCH IN BEGIN'S POSITION ON THE ANSWER TO THE QUESTION ABOUT "A DISCUSSION OF SOVEREIGNTY AFTER FIVE YEARS", BETWEEN JUNE 18 WHEN THE CABINET DECISION ON

OUR TWO QUESTIONS HAD BEEN TAKEN AND JULY 23 WHEN BEGIN HAD READILY APPROVED OF THE THREE POINT STATEMENT HE, DAYAN, HAD GIVEN ON A PERSONAL BASIS TO THE SECRETARY AT LEEDS. DAYAN LAUGHED IRONICALLY ABOUT BEGIN'S CURRENT POSITION THAT HE HAD ALWAYS BEEN IN FAVOR OF THE NEW FORMULATION, SINCE DAYAN REMEMBERED VERY WELL THAT HE HAD BEEN UNABLE TO PERSUADE BEGIN IN JUNE TO MAKE ANY REFERENCE TO SOVEREIGNTY AT ALL. WHATEVER THE REASON FOR BEGIN'S GREATER FLEXIBILITY AT THE MOMENT, DAYAN URGED

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THAT WE TAKE NOTE OF IT AND HE SUGGESTED THAT ATHERTON SHOULD COMMENT ON IT TO SADAT. (I HAVE ALSO SEEN SOME HINTS OF THIS IN THE WAY IN WHICH BEGIN HAS REACTED TO REPORTS ON THE MEETINGS AT LEEDS AND ON SOME OF HIS COMMENTS TO ATHERTON IN THE MEETING JULY 27. CERTAINLY HE DID NOT REACT IN A NEGATIVE "KNEE-JERK FASHION" TO SOME OF ATHERTON'S PRESENTATION IN THE WAY I WOULD HAVE EXPECTED HIM TO DO A MONTH AGO.)

5. DAYAN SPENT QUITE A BIT OF TIME GOING OVER WITH ATHERTON AND ME THE IDEA OF A BROAD INTERIM AGREEMENT CENTERED ON WITHDRAWAL TO THE EL ARISH-RAS MOHAMED LINE, DISCUSSING IT IN VERY MUCH THE SAME TERMS HE HAD USED IN HIS MEETING WITH THE SECRETARY AT LEEDS. HE ASKED ATHERTON WHETHER THERE WAS NOT SOME WAY TO EXPLORE THIS ON A GENUINELY CONFIDENTIAL BASIS WITH EITHER SADAT OR SOMEONE TRULY IN SADAT'S CONFIDENCE. HE DEPLORED THE CONSTANT LEAKS IN THE WHOLE DIPLOMATIC PROCESS AND SAID HE WAS ALMOST DESPAIRING OF REACHING ANY AGREEMENT UNLESS WE COULD FIND SOMEWAY TO NEGOTIATE OUT OF THE VIEW OF THE PRESS. (WE HAD SOME RUEFUL EXCHANGES ABOUT THE WAY IN

WHICH WEIZMAN'S TALK WITH SADAT AT SALZBURG HAD BEEN
LEAKED HERE AND BEGIN HAD PROVOCATIVELY PUBLICIZED
THE CABINET'S NEGATIVE REACTION TO THE EL ARISH GESTURE
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SUGGESTION. DAYAN ATTRIBUTED THE OUTCOME TO WEIZMAN'S
"INEXPERIENCE" IN HANDLING SUCH DELICATE DIPLOMATIC
SUBJECTS WITH BEGIN.) DAYAN WONDERED IF PERHAPS EITHER
ATHERTON OR EILTS COULD EXPLORE THE INTERIM AGREEMENT IDEA
WITH GAMASY, IF NOT DIRECTLY WITH SADAT. DAYAN MADE VERY
CLEAR THAT HE WOULD STILL MUCH PREFER TO MOVE TO A FULL
PEACE TREATY, BUT THAT HE THOUGHT PERHAPS SADAT WOULD BE
UNABLE TO DO SO GIVEN THE LIMITATIONS OF THE BEGIN GOVERN-
MENT'S POSITION. IF SADAT WERE INTERESTED IN PURSUING A
PARTIAL STEP, THEN SOME WAY NEEDED TO BE FOUND TO EXPLORE
IT VERY QUIETLY WITH HIM. IF HE WERE NOT INTERESTED,
THEN OBVIOUSLY THERE IS NOTHING TO BE DONE ABOUT IT.
ATHERTON SAID HE WOULD TALK THIS PROBLEM OVER WITH
AMBASSADOR EILTS TO GET HIS JUDGMENT ON HOW BEST TO
APPROACH IT.

6. AT ONE STAGE DURING LUNCH WE HAD A DISCUSSION OF
WHETHER THERE IS INDEED ANY REAL DIFFERENCE BETWEEN THE
FORMULA DAYAN USED IN THE KNESSET ON JULY 24: "ISRAEL
WILL BE PREPARED TO DISCUSS THE QUESTION OF SOVEREIGNTY
AFTER FIVE YEARS AND A SOLUTION WILL BE FOUND," COMPARED
WITH OUR ORIGINAL SUGGESTED LANGUAGE STATING THAT "A
DECISION WILL BE TAKEN ABOUT THE QUESTION OF SOVEREIGNTY."
DAYAN DID NOT CONTRADICT MY ASSERTION THAT THESE TWO
FORMULATIONS SEEMED TO ME TO BE EQUIVALENT.

7. AT ONE POINT DAYAN WENT AT SOME LENGTH TO SUGGEST
THAT WE SHOULD TRY TO BRING SADAT TO AGREE ON THE CONCEPT
OF LEAVING THE SOVEREIGNTY ISSUE OPEN FOR FIVE YEARS WITH
THE FOLLOWING ARGUMENT. SO LONG AS THERE ARE MERELY
CLAIMS TO SOVEREIGNTY OUTSTANDING, AND IF THE ISRAELI
OCCUPATION HAS ENDED, AND IF GENUINE SELF-RULE FOR
THE ARAB INHABITANTS IS IN EFFECT, THERE IS CLEARLY NO
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ISRAELI SOVEREIGN CONTROL IN BEING AND SADAT COULD
CREDIBLY ARGUE "NOT ONE INCH OF ARAB LAND HAS BEEN
SACRIFICED."

8. ATHERTON RAISED THE QUESTION AS TO WHETHER DAYAN
UNDERSTOOD CLEARLY OUR POSITION ON THE INTERPRETATION

OF THE WITHDRAWAL CLAUSE IN 242. HE STRESSED THAT WE ARGUE ISRAEL MUST ACKNOWLEDGE THAT THE PRINCIPLE OF WITHDRAWAL FROM OCCUPIED TERRITORIES IN 242 APPLIES TO ALL FRONTS, INCLUDING THE WEST BANK AND GAZA. HOWEVER, THAT PRINCIPLE, ONCE ACKNOWLEDGED, WOULD HAVE TO BE IMPLEMENTED IN NEGOTIATIONS FOR SECURE AND RECOGNIZED BOUNDARIES AND FULL PEACEFUL RELATIONS, TWO EQUALLY IMPORTANT PRINCIPLES OF 242. A FINAL PEACE TREATY BASED ON ALL THESE PRINCIPLES COULD EVEN ENCOMPASS PROVISIONS FOR THE RETENTION OF SOME ISRAELI FORCES AT STRATEGIC POINTS AFTER PEACE WAS IN EFFECT. DAYAN MADE NO RESPONSE TO ATHERTON'S POINT.

9. A NUMBER OF THESE ISSUES WERE DISCUSSED SEVERAL TIMES IN THE COURSE OF THE MEETING, WITH DAYAN OBVIOUSLY FOCUSSED A GOOD DEAL OF HIS ATTENTION ON THE IMPORTANCE OF EXPLORING WITH SADAT IN SOME QUIET WAY THE FALL-BACK POSITION OF ANOTHER INTERIM AGREEMENT. HE ARGUED, AS HE DID WITH THE SECRETARY AT LEEDS, THAT THIS MIGHT REALLY BE EASIER FOR SADAT AT THIS STAGE SINCE HE WOULD NOT HAVE TO GO AS FAR AS FULL PEACE AND WOULD THEREFORE BE LESS VULNERABLE TO ARAB ATTACKS. BUT, DAYAN SAID, "WE WOULD OF COURSE HAVE TO ACHIEVE REAL NON-BELLIGERENCY."

10. ATHERTON MAY WISH TO SUPPLEMENT FURTHER THIS RECORD OF THE DISCUSSION ON ONE OR MORE POINTS. LEWIS

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